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JUN - 9 1997

Federal Communications Commission  
Office of Secretary

JOHN M. PELKEY  
ADMITTED IN VA AND D.C.

June 9, 1997

OUR FILE NO.  
1564-101-63

Mr. William F. Caton, Acting Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: Amendment of Section 73.202(b)  
FM Table of Allotments  
Gideon, Missouri  
MM Docket No. 97-120  
RM-9054  
Comments of Gideon Radio Company

Dear Mr. Caton:

On behalf of Gideon Radio Company, enclosed please find an original and four copies of Comments of Gideon Radio Company filed in the above-referenced Rulemaking proceeding.

If you have any questions regarding this matter, please do not hesitate to contact the undersigned.

Very truly yours,

  
John M. Pelkey

JMPapp  
Enclosures

cc: Mr. David Green  
Mr. R. Lee Wheeler

No. of Copies rec'd 0 + 4  
List ABCDE

Before The  
**Federal Communications Commission**

**Federal Communications Commission**  
**Office of Secretary**

<sup>1</sup> *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, for Gideon, Missouri*, Notice of Proposed Rulemaking in RM-9054, MM Docket No. 97-120, DA 97-719, released April 18, 1997 (“NPRM”).

As will be shown below, GRC's proposal is consistent with Commission policy and would advance the public interest. Accordingly, GRC's proposal should be adopted.

**I. Background - Gideon Radio Company's Petition for Rulemaking**

In its Petition for Rulemaking,<sup>2</sup> GRC requested that the Commission amend the Table of Allotments to allocate Channel 280A to Gideon, Missouri, as that community's first commercial channel. GRC pointed out that allotting Channel 280A to Gideon would permit that community to receive its first local aural channel, thereby serving the highest of the Commission's existing allocation priorities.<sup>3</sup> As stated in the GRC Petition, the population of Gideon is 1,104 persons according to the 1990 census. Gideon has its own post office and its own unique zip code. Gideon is an incorporated city with a mayor and city council form of government. It maintains its own municipal police department and a municipal fire department. It has its own Chamber of Commerce and is home to civic organizations such as the Women's Club.

As demonstrated in the Engineering Statement filed with the GRC Petition, a copy of which is attached hereto and is hereby incorporated by reference, allocation of channel 280A to Gideon can be accomplished consistent with the Commission's rules, with the imposition of a 12.5

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<sup>2</sup> The GRC Petition is hereby incorporated by reference, and is attached hereto as Exhibit A.

<sup>3</sup> *Id.* at 2.

kilometer, N.E., site restriction. This would prevent a conflict with Stations KXOQ, Channel 282A, Kennett, Missouri, and WTNV, Channel 281C1, Jackson, Tennessee.<sup>4</sup> As recognized in the NPRM, although there is short spacing to Station KPOC-FM, Channel 280A, Pocahantas, Arkansas, the license for Station KPOC-FM has been modified to specify operation on Channel 281A in lieu of Channel 280A (BPH-951205IF).<sup>5</sup>

GRC committed that, if the proposed amendment to the Table of Allotments were adopted, it would apply for an authorization to construct a new facility on channel 280A.<sup>6</sup>

**II. Allocation of Channel 280A is Consistent with Commission Policy and is in the Public Interest.**

GRC's proposal would permit Gideon to receive its first local aural transmission service, thereby serving the highest of the Commission's existing allocation priorities. "[T]here are virtually no populated areas of the country where our higher allotment priorities, such as first reception service, have not been attained. Therefore, as a practical matter, provision of first local aural service is the highest of our allotment priorities which remains in any

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<sup>4</sup> NPRM at ¶ 3.

<sup>5</sup> *Id.*

<sup>6</sup> See GRC Petition at 3.

significant degree unsatisfied.”<sup>7</sup> Favorable action on GRC’s Petition would thus be in the public interest.

GRC hereby reaffirms that, if Channel 280A is allocated to Gideon, Missouri, GRC will apply for those facilities and, if GRC is awarded the construction permit for Channel 280A in Gideon, will construct the facilities.

### **III. CONCLUSION**

The above facts demonstrate that allocating channel 280A to Gideon, Missouri, will serve the public interest by providing that community with its first local aural transmission. Accordingly, GRC respectfully requests the allocation of Channel 280A to Gideon, Missouri.

Respectfully submitted,

**GIDEON RADIO COMPANY**

By: 

John M. Pelkey  
Amelia L. Brown

Its Attorneys

**HALEY BADER & POTTS P.L.C.**

Suite 900  
4350 North Fairfax Drive  
Arlington, VA 22203-1633  
703/841-0606  
June 9, 1997

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<sup>7</sup> *Amendment of the Commission’s Rules regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 5 FCC Rcd 7094, 7096, ¶ 16 (1990).

Before The  
**Federal Communications Commission**  
Washington, D.C. 20554

In The Matter Of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No.
Table of Allotments	)	RM-
FM Broadcast Stations	)	
Gideon, Missouri	)	

To: Chief, Policy and Rules Division

## Petition for Rulemaking

Gideon Radio Company ("GRC"), pursuant to Sections 1.401 and 1.420 of the Commission's rules and by its attorneys, hereby requests that the Commission institute a rulemaking proceeding to amend the Table of FM Allotments, Section 73.202(b) of the Commission's rules. Specifically, GRC requests that the Table of FM Allotments be amended so as to allocate Channel 280A to Gideon, Missouri, as that community's first commercial channel. In support thereof, the following is stated:

Gideon, Missouri is an incorporated city with a mayor and city counsel form of government. The population of Gideon is 1,104 persons

according to the 1990 U.S. census. Gideon has its own post office with its own zip code. Gideon maintains its own municipal police department and municipal fire department. It has its own Chamber of Commerce and is home to civic organizations such as the Women's Club.

Despite Gideon's status, no broadcast facilities of any type are allocated to the community. Allocation of channel 280A would remedy this deficiency.

As the attached engineering study demonstrates, allocation of channel 280A to Gideon can be accomplished with the imposition of a 12.5 kilometer, N.E., site restriction.

The allocation of channel 280A to Gideon is in the public interest. The proposal would permit Gideon to receive its first local broadcast service, thereby serving the highest of the Commission's allocation priorities:

There are virtually no populated areas of the country where our higher allotment priorities, such as first reception service, have not been attained. Therefore, as a practical matter, provision of first local aural service is the highest of our allotment priorities which remains in any significant degree unsatisfied.

*Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 5 FCC Rcd 7094, 7097 (1990).*


GRC will apply for an authorization to construct the new facility on channel 280A at Gideon if the allocation is adopted by the Commission.

Accordingly, GRC respectfully requests that the Table of FM Allotments be amended as follows:

Community	Present Allotment	Proposed Allotment
Gideon, Missouri	--	280A

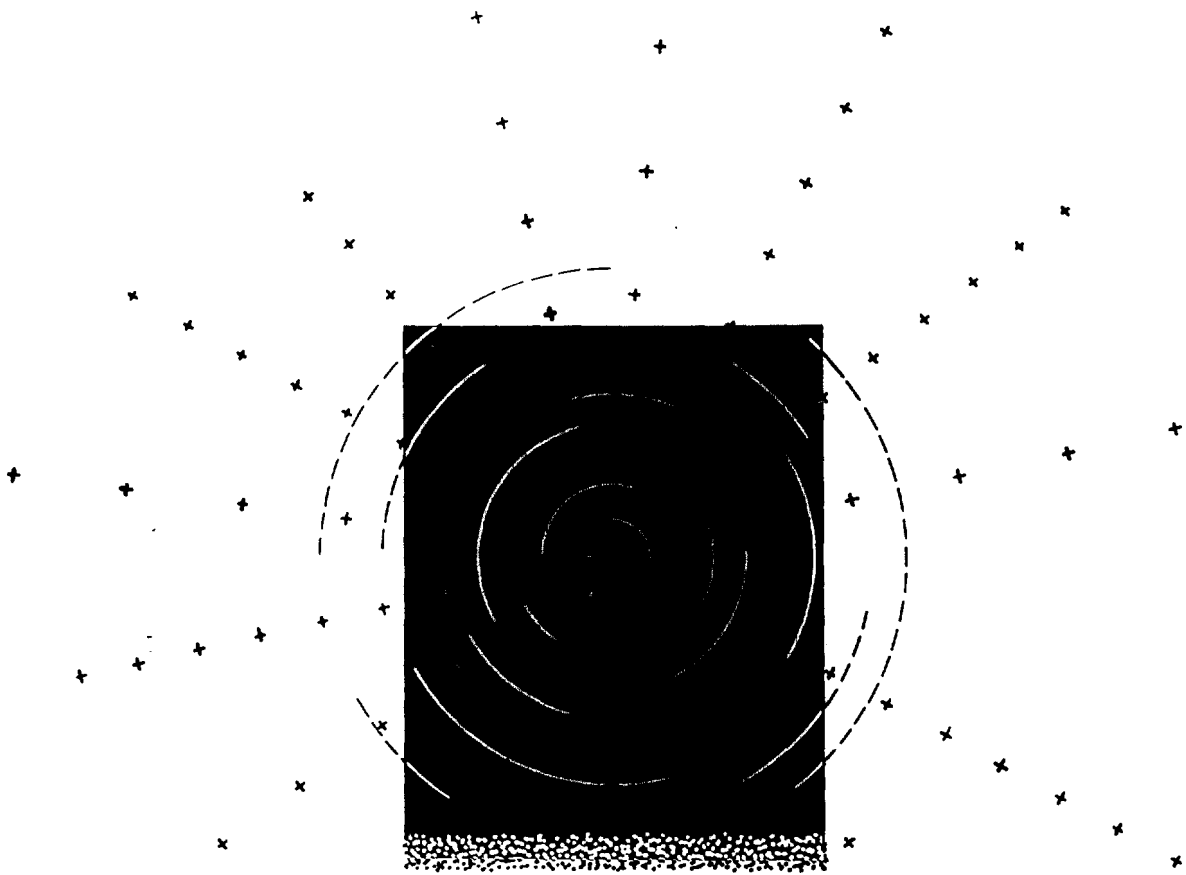
Respectfully submitted,

GIDEON RADIO COMPANY

  
John M. Pelkey  
Its Attorney

HALEY, BADER & POTTS  
Suite 900  
4350 North Fairfax Drive  
Arlington, VA 22203-1633  
703/841-0606

February 27, 1997



WHEELER  
**BROADCAST**  
CONSULTING

***Gideon Radio Company***

Petition for Rulemaking

Petition to:

Amend 47 CFR 73.202(b)  
Allocate a New Commercial FM Broadcast Station  
Channel 280 A  
Gideon, Missouri

February - 1997



# WHEELER BROADCAST CONSULTING

## *Engineering Study*

### *Proposed Rulemaking to Allocate Channel 280 A to Gideon, Missouri*

This consultant has been retained by Gideon Radio Company for the purpose of preparing an engineering statement in support of a Proposed Rulemaking to amend the FM table of allotments, 47 CFR 73.202 (b), by adding channel 280 A to Gideon, Missouri as its first local service.

A full commercial channel search of the Commission's January 17, 1997 FM database was performed in order to determine the availability of a FM channel for allocation to Gideon, Missouri. The study revealed that Channel 280 A could be allocated to Gideon, with the imposition of a 12.5 km, N.E., site restriction.

The coordinates of Gideon, Missouri are listed in the National Atlas of the United States of America as follows:

36° 27' 03" N. Latitude  
89° 54' 38" W. Longitude

Reference coordinates for the proposed channel 280 A were determined by selecting the point nearest to Gideon while meeting the minimum separation requirements set forth in 47 CFR 73.207. The reference coordinates calculated for the Gideon, channel 280 A, allocation are:

36° 32' 14" N. Latitude  
89° 49' 12" W. Longitude

6025 MARTIN  
SUITE 112  
MISSION, KS 66202  
913.362.1080  
913.362.1081

The distance and bearing from Gideon to the Channel 280A reference coordinates is 12.5 km at 40.2° True. Exhibit 1 of this report is a search of the Commission's January 17, 1997 FM database which demonstrates that the site meets all minimum separation requirements from the proposed reference site<sup>1</sup>. Exhibit 2 is a digitally generated map, generated from USGS and NGDC data, which indicates the reference site, the open area in which to locate a suitable transmitter facility, and the predicted 70 dbu contour from the reference coordinates indicating compliance with the principal community coverage requirements of 47 CFR 73.315

### **Gideon, Missouri**

Gideon, Missouri is an incorporated city with a Mayor and City Council form of government. The population of Gideon is 1104 persons according to the 1990 US Census. Gideon has its own Post Office and its own, unique, Zip Code (63848). Gideon maintains a municipal Police Department and a Municipal Fire Department. Gideon furthers economic development with a municipal Chamber of Commerce and is home to civic organizations such as the Women's Club. Gideon has all of the attributes normally associated with a midwestern city.

### **Conclusion**

Gideon, Missouri is a community deserving of its first commercial FM service and this proposal provides that service. In light of the above facts, this proposal is clearly in the public interest and it is respectfully requested that 47 CFR 73.202(b) be amended as follows:

<b><u>Community</u></b>	<b><u>Present</u></b>	<b><u>Proposed</u></b>
Gideon, MO	-----	280 A

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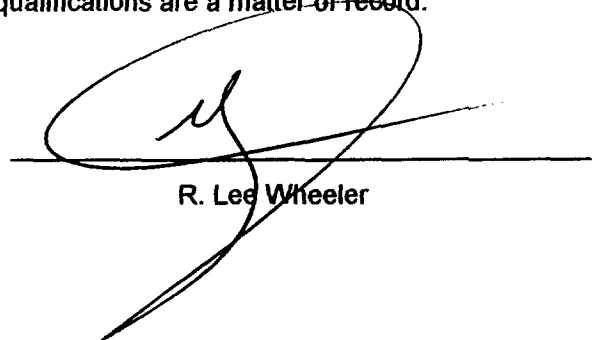
<sup>1</sup> As shown on Exhibit 1, the proposed allocation would short space the co-channel, licensed facilities of KPOC-FM in Pocahontas, Arkansas. KPOC was ordered to the first adjacent channel, Channel 281, in Docket 93-259. KPOC has been granted a construction permit for the Channel 281A facilities by way of BPH-951205IF.

**Certification**

All information contained in this report is true and accurate to the best of my belief. Having had numerous matters before the Commission, my qualifications are a matter of record.

2/20/97

Date



A handwritten signature in black ink, consisting of a large, stylized 'R' followed by 'Lee Wheeler', is written over a horizontal line.

R. Lee Wheeler

WHEELER BROADCAST CONSULTING  
6025 Martway - Suite 112 - Mission KS 66202

Proposed Allocation  
Gideon, MO

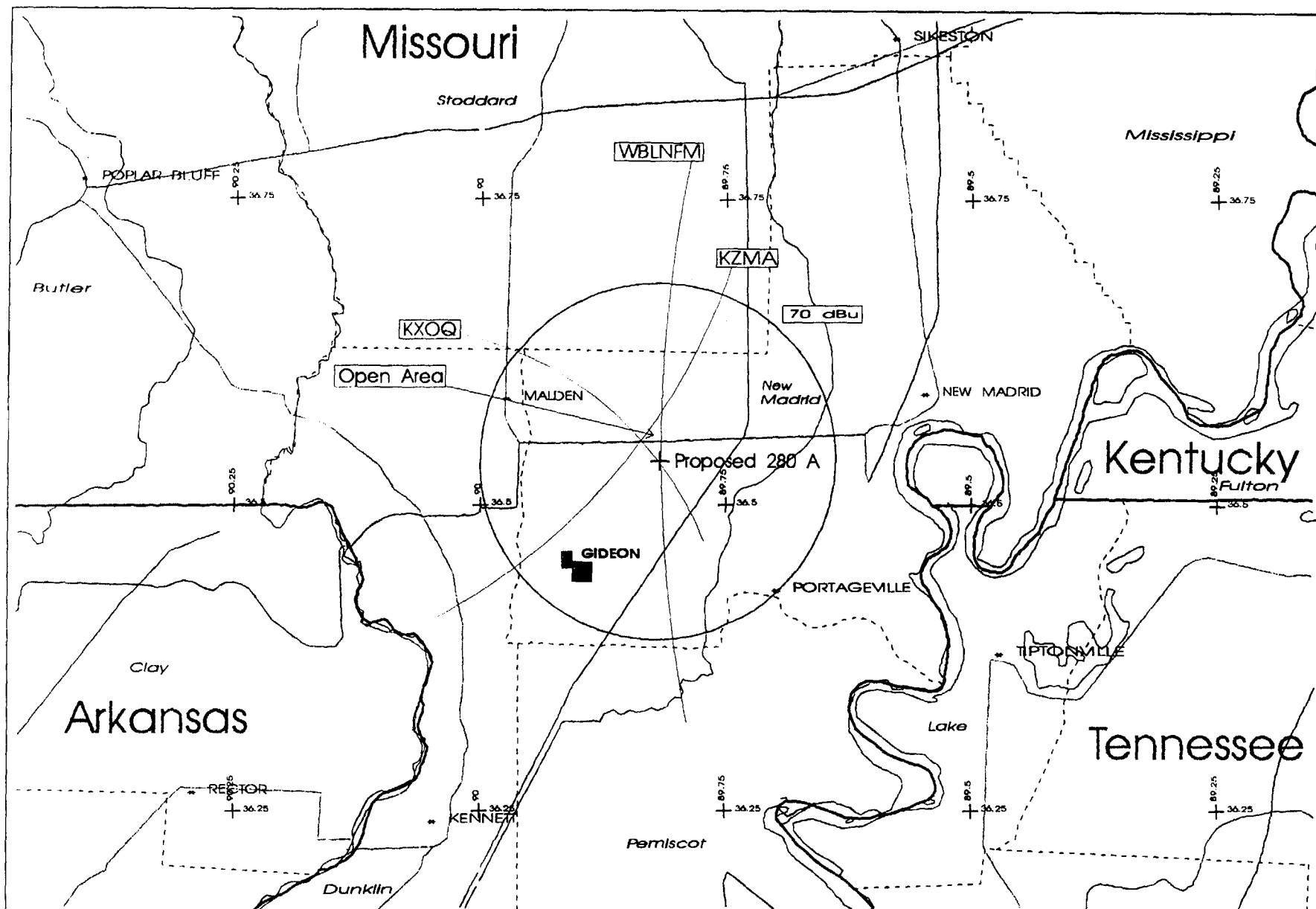
REFERENCE	CLASS A	DISPLAY DATES
36 32 14 N		DATA 01-17-97
89 49 12 W	Current rules spacings	SEARCH 01-18-97
----- CHANNEL 280 -103.9 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
KPOCFM	280A	Pocahontas	AR	254.4	105.84	115.0	-9.16 *
LI CN	36 16 36	90 57 18	5.100 kW	44M	65.8	71.5	
					BLH4375		
>*To Channel 281A per D93-259							
WTNV	281C1	Jackson	TN	137.9	132.99	133.0	-0.01 *
LI CN	35 38 46	88 49 57	100.000 kW	207M	82.7	82.7	
					BLH960321KC		
WTNV.C	281C1	Jackson	TN	137.9	132.99	133.0	-0.01 *
CP CN	35 38 46	88 49 57	10.000 kW	134M	82.7	82.7	
					BPH950509IB		970430
>** This record is for an AUXILIARY facility of WTNV, Jackson, TN *							
KXOQ	282A	Kennett	MO	232.2	31.00	31.0	0.00 *
LI CN	36 21 58	90 05 36	6.000 kW	100M	19.3	19.3	
					BLH960111BP		
WBLNFM	279C1	Murray	KY	89.0	133.33	133.0	0.33 <
AP CN	36 32 58	88 19 52	100.000 kW	299M	82.9	82.7	
					BPH960723IE		
WBLNFM	279C1	Murray	KY	89.0	133.33	133.0	0.33 <
LI CN	36 32 58	88 19 52	100.000 kW	201M	82.9	82.7	
					BLH870724KA		
KZMA.C	278C2	Poplar Bluff	MO	307.3	57.18	55.0	2.18 <
CPM CN	36 50 50	90 19 52	50.000 kW	99M	35.5	34.2	
					BMPH930111IF		961108
AP280	280C3	Earle	AR	211.0	148.78	142.0	6.78
AP CN	35 23 09	90 39 55	25.000 kW	100M	92.5	88.3	
					951017ME		
AP280	280C3	Earle	AR	211.3	151.49	142.0	9.49
AP CN	35 22 10	90 41 24	25.000 kW	100M	94.2	88.3	
					951020MF		
>Untimely Filed							
ALOPEN	280A	Ellington	MO	307.8	128.69	115.0	13.69

WHEELER BROADCAST CONSULTING  
6025 Martway - Suite 112 - Mission KS 66202

CLASS A

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AL	N 37 14 24	90 58 06	0.000 kW	OM	80.0	71.5	
	88-15		WO= 900702				900710
>First Come/First Served Allotment							
>Effective 01-17-89-FCFS-20							
AP280	280C3	Earle	AR	208.2	158.98	142.0	16.98
AP	CN 35 16 23	90 38 56	25.000 kW	100M	98.8	88.3	
	Catherine Joanna Flinn				951019	MF	
AP280	280C3	Earle	AR	208.2	159.20	142.0	17.20
AP	CN 35 16 16	90 38 59	25.000 kW	100M	98.9	88.3	
	L.T. Simes II & Raymond Simes				951018	MF	
AP280	280C3	Earle	AR	208.0	160.01	142.0	18.01
AP	CN 35 15 43	90 38 51	25.000 kW	100M	99.4	88.3	
	Crittenden Broadcasting, Inc.				951017	MD	
ALOPEN	280C3	Earle	AR	207.9	160.65	142.0	18.65
AL	N 35 15 20	90 38 52	0.000 kW	OM	99.8	88.3	
	93-259		WO= 950918				951019
>Effective 9-18-95							
KMHM.A	281A	Lutesville	MO	353.8	93.84	72.0	21.84
AP	CN 37 22 40	89 56 04	2.500 kW	155M	58.3	44.8	
	Harold L. Lawder				BMPH960503	IA	
KMHM.C	281A	Lutesville	MO	353.8	93.84	72.0	21.84
CPM	CN 37 22 40	89 56 04	1.250 kW	155M	58.3	44.8	
	Harold L. Lawder				BMPH940224	IB	950713
KPOCFM	281A	Pocahontas	AR	254.4	105.84	72.0	33.84
CP	ZCN 36 16 36	90 57 18	6.000 kW	44M	65.8	44.8	
	Scott Media Services				BPH951205	IF	980130
>From channel 280A Per D93-259							
WXAN	280A	Ava	IL	11.9	149.57	115.0	34.57
LI	CN 37 51 19	89 28 06	2.900 kW	143M	93.0	71.5	
	Harold L. Lawder				BLH960916	KA	
KAFW.C	279A	Wilson	AR	194.6	117.82	72.0	45.82
CP	CN 35 30 34	90 08 54	6.000 kW	100M	73.2	44.8	
	Pollack Broadcasting Company				BPH921023	JV	961122
>*To channel 234A Per D93-259							



Proposed Gideon, Missouri Allocation Ch. 280 A  
 N. Lat. 36 32 14 W. Long. 89 49 12

EXHIBIT 2  
 L. WHEELER - 01/97

## CERTIFICATE OF SERVICE

The undersigned, an employee of Haley Bader & Potts P.L.C., hereby certifies that the foregoing document was mailed this date by First Class U.S. Mail, postage prepaid, or was hand-delivered\*, to the following:

Scott Media Services  
Station KPOC-FM  
P.O. Box 508  
Pocahantas, Arkansas 72455

A handwritten signature in cursive script, reading "Pat Payne", is written over a horizontal line.

June 9, 1997